



TOWN OF FREETOWN, MASSACHUSETTS

**WARRANT
FOR THE SPECIAL TOWN MEETING
MONDAY, NOVEMBER 8, 2004
FREETOWN ELEMENTARY SCHOOL AUDITORIUM**

Bristol, ss:

To either of the Constables in the Town of Freetown, Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the Town of Freetown who are qualified to vote in Town Affairs to meet in the Freetown Elementary School, Auditorium, 43 Bullock Road, East Freetown, Massachusetts, the Eighth day of November, 2004, at 7:00 P.M., then and there to act on the following Articles, viz:

ARTICLE 1: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of One Hundred Sixty-Five Thousand One Hundred Sixty-Seven (\$165,167.00) Dollars to supplement the budgets for Fiscal 2005, and/or take any action relative thereto.

Submitted by the Board of Selectmen.

Requires Majority Vote.

ARTICLE 2: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Four Thousand Three Hundred Twenty-Five (\$4,325.00) Dollars to pay medical costs and other costs associated with the injury of a police officer from a previous fiscal year.

Submitted by the Police Chief.

Requires 9/10 Vote.

ARTICLE 3: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Twenty-Six Thousand Five Hundred Seventy-Eight (\$26,578.00) Dollars to lease and equip three new or late model police vehicles, including the payment of all costs incidental thereto, and/or take any action relative thereto.

Submitted by the Police Chief.

Requires Majority Vote.

ARTICLE 4: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Twenty-Two Thousand Seven Hundred Sixty-One (\$22,761.00) Dollars for the purpose for re-paying a Brownfields Site Assessment Loan from "MassDevelopment" in relation to the Freetown Screw Co. property, and/or take any action relative thereto.

Submitted by the Board of Selectmen.

Requires Majority Vote.

ARTICLE 5: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Five Thousand (\$5,000.00) Dollars for the additional costs of the new model GASB 34 single municipal audit for Fiscal Year 2002-2003, including any GASB 34 compliance expenses, and/or take any action relative thereto.

Submitted by the Board of Selectmen.

Requires Majority Vote.

ARTICLE 6: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Eleven Thousand Four Hundred Thirty (\$11,430.00) Dollars, representing the Town's share of a \$114,300.00 Federal Homeland Security Grant to purchase and equip self-contained breathing apparatus for the Freetown Fire Department, and/or take any action relative thereto.

Submitted by the Fire Chief.

Requires Majority Vote.

ARTICLE 7: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Twenty-Five Thousand (\$25,000.00) Dollars to supplement the Communications Center gasoline account, and/or take any action relative thereto.

Submitted by the Police and Fire Chiefs.

Requires Majority Vote.

ARTICLE 8: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Two Thousand Five Hundred (\$2,500.00) Dollars to supplement the Fiscal Year 2005 budget of the Office of the Tax Collector, and/or take any action relative thereto.

Submitted by the Tax Collector.

Requires Majority Vote.

ARTICLE 9: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of One Hundred Thirteen Thousand Two Hundred Seventy-Four (\$113,274.00) Dollars to be placed in the Vocational Education Tuition fund to supplement the costs of vocational education tuition for Freetown for Fiscal Year 2005, and/or take any action relative thereto.

Submitted by the Freetown School Committee.

Requires Majority Vote.

ARTICLE 10: To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of One Hundred Thousand (\$100,000.00) Dollars to supplement the Legal Department budget, and/or take any action relative thereto.

Submitted by the Board of Selectmen.

Requires Majority Vote.

ARTICLE 11: To see if the Town will vote to raise and appropriate, and/or transfer such sums of money as may be necessary to supplement the budgets and fix the annual salary of the following elected officers of the Town as provided by Chapter 41, Section 108 of the General Laws, as amended, for the Fiscal Year 2005, and/or take any action relative thereto.

	<u>Current Salary</u>	<u>Requested Salary</u>
Tax Collector	\$ 17,332.00	\$ 17,851.00
Town Clerk	35,025.00	36,075.00
Treasurer	38,627.00	39,786.00

Submitted by the Tax Collector, Town Clerk, and Treasurer. Requires 2/3 Vote.

ARTICLE 12: To see if the Town will vote to amend Article III of the Town By-Laws by deleting Sections 3, 4, 5, 6, 7, 8, 9, and 10, 11, and 12 and inserting in place thereof Sections 3 and 4, as written below as the “Board of Selectmen and Town Administrator By-Law,” and/or take any action relative thereto.

Submitted by the Board of Selectmen
and Finance Committee.

Requires Majority Vote.

TOWN OF FREETOWN BOARD of SELECTMEN and TOWN ADMINISTRATOR BY-LAW

Article III

SECTION 3 BOARD OF SELECTMEN

(1) The Board of Selectmen, unless specifically limited by statute, shall:

- (A) Serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions, and employees of the town.
- (B) Have the power to enact rules and regulations to implement policies and to issue interpretations.
- (C) Exercise, through the Town Administrator, general supervision over all matters affecting the interests or welfare of the town.
- (D) Have the responsibility and authority for licenses and other quasi-judicial functions as provided by statute and the Town of Freetown by-laws.
- (E) Be responsible for the preparation of all town meeting warrants.

- (F) Have the authority to make investigations and may authorize the Town Administrator or other agents to investigate the affairs of the town and conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose the Board of Selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk, and a report summarizing such investigation shall be printed in the next annual town report.
- (G) Review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as they deem advisable. The Town Administrator shall present the budget, incorporating the recommendations of the selectmen, to the finance committee.
- (H) Negotiate collective bargaining agreements and other contracts and/ or services not otherwise designated.

(I) Power of Appointment

The Board of Selectmen, by majority vote, shall have the power to appoint to town office, authorized or required by General Laws or by By-Law:

- 1) For specific Terms unless otherwise governed by General Laws:

Chief of the Police Department in accordance with the provisions of M.G.L., Chapter 41, Section 97, Chief of the Fire Department in accordance with the provisions of M.G.L., Chapter 48, Section 42, Town Accountant in accordance with the provisions of M.G.L., Chapter 41, Section 55, Building Commissioner in accordance with M.G.L., Chapter 143, Section 33, two (2) Constables (after notice being duly advertised for one (1) month prior to said appointment), Civil Defense Director and, subject to the Town's By-Laws, a Town Counsel.

- 2) After July 1, 2006, a Town Administrator unless otherwise governed by General Laws.

- 3) The Selectmen may employ a member of the bar in good standing to conduct the prosecution, defense or compromise of claims, actions and proceedings to which the Town is a party; and to prosecute actions or proceedings by or in behalf of any town officer, boards or committees as such; to conduct the defense of any action or proceedings brought against any town officer, board, or committee as such; to assist in the prosecution of complaints for violation of any by-law of the town, when requested to do so by the board or officer enforcing the claim; to examine and report upon titles to all land to be acquired by the town; to prepare or approve contracts, bonds, deeds, and other legal instruments to which the town is a party, or in which any right or interest of the town is involved; to appear at hearings on behalf of the town; to advise and act for the town officers, boards, and committees upon and in legal matters touching the duties of their respective offices.

(J) Power of Removal and Suspension

- 1) Any appointed officer or employee of the town not subject to contractual agreements or collective bargaining contracts with the town, whether appointed for a fixed or indefinite term and who has completed his or her probationary period, may be suspended or removed from office by the Board of Selectmen for just cause. The term just cause shall include, but not limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.
 - 2) Any appointed officer or employee of the town may be suspended from office by the Board of Selectmen if such action by them is deemed to be necessary to protect the interests of the inhabitants of the Town. However, no suspension shall be for more than fifteen (15) days.
 - 3) Suspension may be conterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.
 - 4) The appointing authority when removing any such officer or employee shall act in accordance with the following procedure:
 - (a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by registered mail to the last known address of the person sought to be removed.
 - (b) Within five (5) days of delivery of such notice, the officer or employee may request a public hearing at which he or she may be represented by counsel at their own expense, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.
 - (c) Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing, between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer or employee or notifying him or her that the notice is rescinded.
 - 5) Any such officer or employee shall continue to receive his/her salary until removed from office.
 - 6) Nothing in this section shall be construed as granting a right to a hearing when a person who has been appointed for a fixed term is not reappointed when their original term expires.
- (K)** The Board of Selectmen shall be the agents of the Town to institute, prosecute, and defend any and all claims, actions and proceedings to which the Town is a party, or in which the interests of the Town are or may be involved.
- (L)** Recordings Registry of Deeds – It shall be the duty of the Board of Selectmen to see that every conveyance to the Town of any interest in land is properly recorded in the Registry of Deeds.

- (M) The Board of Selectmen at their discretion compromise or settle any claim or suit which the town is a party, which does not require the payment by the town in an amount in excess of \$10,000.00. No settlement of a claim or suit obligating the town in an amount in excess of \$10,000.00 shall be made, except as authorized by law, without the consent of town meeting.
- (N) The Board of Selectmen shall have the general direction and management of the property and affairs of the town in all matters not otherwise provided for by law or by these by-laws.
- (O) The Board of Selectmen is authorized to sell on behalf of the Town, and without a vote of the Town, any and all personal property belonging to the Town, which they determine as no longer needed by the Town, at Public Auction or Private Sale, upon such terms as they deem proper provided the fair market value of such property does not exceed the sum of Five Thousand (\$5,000) dollars, and provided further that if the fair market value exceeds two thousand (\$2,000) dollars the sale of said property shall be by public auction.
- (P) The Board of Selectmen shall require that all bills against the Town be clearly itemized and, except for bills for salaries of all town officers, approved by the officer on whose order the bill is contracted before giving an order to the Treasurer for payment.
- (Q) All heads of departments of the Town shall make an itemized statement of receipts and expenditures for publication in the Annual Town Report. The Selectmen shall cause the Town Report to be printed and made available to the inhabitants at least seven (7) days before the time of holding the Annual Town Meeting.
- (R) The Board of Selectmen is authorized to accept and enter into contract for the expenditure of any funds allotted or to be allotted by the Federal Government, the Commonwealth and/or County for the construction, reconstruction and improvement of Town roads.
- (S) Until such time that a Town Administrator is first appointed or in the absence of a Town Administrator or an Acting Town Administrator, the Board of Selectmen is authorized to assume and act on the duties normally required of a Town Administrator or Acting Town Administrator.
- (T) Powers of Contract. Any contracts negotiated on behalf of the Town shall be subject to the final approval of the Board of Selectmen, except for those contracts preempted by state statute.

SECTION 4 TOWN ADMINISTRATOR

(1) Appointment, Term of Office

- (A) The Town Administrator shall be appointed by the Board of Selectmen for a term not to exceed 3 years, as the board may determine, and may be appointed for successive terms of office.

(2) Compensation

- (A) The Board of Selectmen shall set the compensation for the Town Administrator, not to exceed an amount appropriated by the town meeting.

(3) Qualifications

- (A) The Town Administrator shall be appointed on the basis of his/her educational, executive and administrative qualifications and experience. His/her education shall consist of at least a Master's Degree in Public Administration or a Master's Degree in Business Administration or a Master's Degree related to either field of study, granted by an accredited degree granting college or university, and his/her professional experience shall include at least five (5) years previous experience in at least one of the following: Town Manager, Assistant Town Manager, Town Administrator or Assistant Town Administrator.
- (B) The Town Administrator shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of his employment by the town.
- (C) The Town Administrator shall hold no elective office during his/her tenure as Town Administrator, but the Board of Selectmen may appoint the Town Administrator to any non-elective office or position consistent with the responsibilities of the Town Administrator. Before entering upon his/her duties, the Town Administrator shall be sworn to the faithful and impartial performance thereof by the town clerk.
- (D) The Board of Selectmen may from time to time establish additional qualifications for the office of Town Administrator. To the extent permitted by law, the terms of the Town Administrator's employment may be the subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters, excluding tenure, as are customarily included in an employment contract.
- (E) He/She shall not have served in an elective office in the town government of the Town of Freetown for at least one (1) full year prior to his/her appointment.
- (F) Before entering upon the duties of the office, the Town Administrator shall be sworn, in the presence of a majority of the Board of Selectmen, to the faithful performance of his or her duty. The Town Administrator shall execute a bond in the favor of the Town for the faithful performance and with such sureties as may be fixed by the Board of Selectmen; the cost of said bond shall be borne by the Town.

(4) Duties

(A) General Duties

Unless specifically limited by statute, the Town Administrator shall:

- 1) Be responsible for coordination of operational and strategic planning for the town.
- 2) The Town Administrator shall supervise and direct the efficient and responsible administration of all officers and employees appointed by the Town Administrator and/or Board of Selectmen and their respective offices and departments, and of all functions for which the Town Administrator is given responsibility by the Board of Selectmen, or under the laws of the commonwealth, and by-laws passed by town meeting.

- 3) Subject to any applicable provisions of the General Law relating thereto, may assume, temporarily, the duties of any office which the administrator is authorized to fill by appointment.
- 4) Have the power to appoint other employees as authorized by General Law and by-law and for whom appointment is not otherwise provided.
- 5) Be responsible for administration of the personnel plan including personnel evaluation policies, practices, enforcement of labor contracts, labor relations, and state and federal equal opportunity law compliance functions of the town.
- 6) Keep full and complete records of the office and annually submit to the selectmen, unless requested to do so more frequently, a full written report of the operations of the office of Town Administrator. The Town Administrator may also prepare reports to boards and committees and for town meeting.
- 7) Advise the selectmen of all matters requiring action by them or the town.
- 8) The Town Administrator shall attend all regular and special meetings of the Board of Selectmen, unless excused and shall have a voice but no vote in all of its discussions.
- 9) The Town Administrator shall attend all sessions of the Town Meeting and shall answer all questions directed at him or her relating to Town affairs.
- 10) The Town Administrator shall have authority to institute, prosecute, defend and compromise any and all claims, actions, proceedings and litigation to which the town is a party and to employ special counsel whenever in the judgment of the Board of Selectmen it may be necessary.
- 11) Be responsible for the negotiation of all contracts, which are subject to execution by the Board of Selectmen.
- 12) Administer, either directly or through a person or persons appointed by him, in accordance with this bylaw, all provisions of general and special laws applicable to said town, all by-laws, and all regulations established by the Board of Selectmen.
- 13) Oversee the activities of the town counsel under the direction of the Board of Selectmen.
- 14) Receive and address citizen's complaints and problems.
- 15) Be responsible for the management of all town insurance programs.
- 16) Represent the town at local, state and regional meetings and undertake public relations activities under the direction of the Board of Selectmen.
- 17) Perform such other duties consistent with the office, as may be required of the administrator by by-law or by vote of the Board of Selectmen or town meeting.
- 18) Have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the Town Administrator. The Town Administrator may, without notice, cause the affairs of any division or department under the administrator's supervision of the job-related conduct of any officer or employee thereof to be examined.

- 19) The Town Administrator shall have jurisdiction over the rental, use, maintenance, and repair of all town property except school property and property under the control of the town library trustees or other Town property excepted by General Law or By-Law. The Town Administrator shall be responsible for the preparation of plans and the supervision of work on existing buildings or on the construction of new buildings other than school buildings and buildings under the control of the library trustees or other Town property excepted by General Law or By-Law. The Town Administrator shall maintain and repair school buildings if and to the extent that the school committee requests, and the Town Administrator shall maintain and repair buildings under the control of the library trustees or others if and to the extent that they so request.
- 20) To perform any other duties as are required to be performed by the Town Administrator by by-laws, administrative code, votes of the town meeting, or votes of the Board of Selectmen, or otherwise

(B) Financial Duties

Unless specifically limited by statute, the Town Administrator shall:

- 1) Be the chief administrative officer of the town and shall be responsible to the Board of Selectmen for the effective management of all town affairs placed in the administrator's charge by this by-law, the Board of Selectmen, by-law, or vote of town meeting and the implementation of town policies placed in the administrator's charge by the Board of Selectmen.
- 2) Be responsible for the design and preparation of the municipal budget, filing grant applications, and controlling budget expenditures, including approval of the warrants for the payment of town funds prepared by the town accountant. Without limiting the generality of the foregoing the Town Administrator shall have the following specific budgetary powers:
 - (a) The Town Administrator shall submit to the Board of Selectmen a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school department. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current, and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose, and position, together with proposed financing methods; and the proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may establish additional financial information and reports to be provided by the Town Administrator.
 - (b) The Town Administrator shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount.

- (c) The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the Board of Selectmen, and the budget presented by the Town Administrator to the finance committee will be set by the respective Board or Committee.
- (d) To assist the Town Administrator in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the Town Administrator, in writing, a detailed estimate of the appropriations required and available funds.
- (e) The Town Administrator shall submit annually to the Board of Selectmen and the finance committee a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired; and (d) other information that may be required from time to time.)

(C) Purchases by Town Administrator

Unless specifically limited by statute, the Town Administrator shall:

- 1) The Town Administrator shall be responsible for purchasing all supplies, materials and equipment, and shall award all contracts for all departments and activities of the town under his/her supervision; and he/she shall make all purchases for departments and activities not under his/her supervision but not including food for schools, school books and other instructional materials, supplies and equipment, library books and related printed and audio visual material unless otherwise specifically requested by the Regional School Committee, Local School Committee or the Library Trustees and only to such extent and for such period as the Regional School Committee, Local School Committee or the Library Trustees shall from time to time specify. Purchases for departments and activities not under his/her supervision shall be made only upon and in accordance with a requisition duly signed by the head of any such department.
- 2) All purchases or contracts for purchases exceeding one thousand dollars (\$1,000) in amount shall be based upon competition. The Town Administrator shall make purchases only upon requisition duly signed by the head of the department requesting the same regardless of the dollar amount.

- 3) All contracts made by any department, board or commission where the amount involved is \$500 or more shall be in writing. No contract for construction work or for the purchase of equipment, supplies and materials, whether for repairs or original construction, the estimated cost of which amounts to \$10,000 or more, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same have been invited by advertisements in at least one newspaper published in the town once a week for at least two consecutive weeks, the last-publication to be at least one week before the time specified for the opening of such proposals. Such advertisements shall state the time and place where plans and specifications of proposed work or supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the town the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any requirement of this section.
- 4) All contracts for services negotiated by the Town Administrator shall be ratified by a majority vote of the Board of Selectmen.

(D) Reorganization Plans by the Town Administrator

Unless specifically limited by statute, the Town Administrator shall:

- 1) The Town Administrator may from time to time prepare and submit to the Board of Selectmen, reorganization plans which may, subject to applicable law and by-law, reorganize, consolidate or abolish any town agency in whole or in part, or establish new town agencies as he/she deems necessary or expedient. Such reorganization plans shall be accompanied by an explanatory message when submitted.
- 2) Every such reorganization plan shall upon receipt by the Board of Selectmen be referred to an appropriate committee of the Board of Selectmen which shall, not more than thirty days later, hold a public meeting on the matter and shall, within ten days following such meeting, report either that it approves or that it disapproves of the plan. A reorganization plan shall become effective ninety days after the date it is received by the Board of Selectmen unless the Board of Selectmen has, prior to that date voted to disapprove the reorganization plan, or unless a later effective date is specified in the plan. A reorganization plan presented by the Town Administrator to the Board of Selectmen under this section may not be amended by it, but shall either be approved or rejected as submitted.
- 3) An up-to-date record of any reorganization plan in force under this article shall be kept on file in the office of the Town Clerk and legally posted or published according to General-Laws as if it were a bylaw.

(E) Powers to Appoint

Unless specifically limited by statute, the Town Administrator shall:

- 1) The Town Administrator shall have the power to appoint on merit and fitness, subject to confirmation by the Board of Selectmen, the following town officers: health agent, veterans agent, animal inspector, plumbing inspector, wire inspector, sealer of weights and measures, gas, milk and food inspector as well as the police department subject to the confirmation of the Board of Selectmen and the recommendation of the Police Chief.
- 2) Officers appointed under this by-law shall perform their duties in accordance with General Laws and Town By-Laws.
- 3) The Town Administrator shall have the power to appoint on merit and fitness, subject to confirmation by the Board of Selectmen, such other individual town officers, employees, and members of boards and commissions as are authorized by the General Laws, or by-laws and for whom appointment is not otherwise provided.
- 4) The Town Administrator shall have the power to rescind, subject to confirmation by the Board of Selectmen, for cause, including excessive and unexcused absenteeism, any appointment made by him to any board, commission, committee or individual officer under the authority of this by-law, provided that the appointee shall first have been served with a written notice of the Town Administrator's intention specifying the reasons for the proposed removal and informing the appointee of his/her right to be heard at a public hearing if requested.
- 5) Said power shall not apply to quasi-judicial bodies as determined by the town attorney. The Town Administrator shall supervise the boards, committees and commissions that the administrator appoints to ensure that the charge is carried out in a timely manner and meetings are held in conformance with the laws regarding open meetings of governmental bodies.

(5) Removal

- (A) The Board of Selectmen may initiate the removal of the Administrator by adopting a resolution to this effect, provided that no such resolution is adopted within ninety days after any town election, that has caused such a change in the composition of the Board of Selectmen.
- (B) The adoption of said resolution shall serve to suspend the Administrator for a period of no more than forty-five days, during which his/her salary shall continue to be paid. A copy of the resolution initiating the removal shall forthwith be delivered to the Administrator in person, or sent, registered mail with return receipt secured, to his/her place of residence.
- (C) Within five days of the delivery to him/her of the resolution, the Administrator may file a written request for a public hearing. If such a hearing is requested, the Selectmen shall schedule it to take place within three weeks of the request, to be held in a public place. The Selectmen shall post notices to be posted in the town hall, and in four other places of public access within the town.

- (D) The town attorney shall preside at the hearing called to discuss the removal of the Administrator.
- (E) At any public hearing held to discuss the removal of the Administrator, the reasons for his/her removal shall first be read aloud. The Administrator shall then be allowed to respond, either personally or through counsel.
- (F) The Board of Selectmen on the one hand, and the Administrator on the other, shall be allowed to call witnesses and produce town records in support of their position.
- (G) The final removal of the Administrator can only be effected by a majority vote of the entire Board of Selectmen, at a Board of Selectmen meeting, from which the public has not been excluded, held within seven days of the public hearing called to discuss his/her removal, if such a hearing has been requested. In the event that no such hearing has been requested, final removal may be effected by a majority vote of the entire Board of Selectmen, held no sooner than fourteen days nor later than forty-five days after the vote initiating removal.
- (H) Failure to adopt a final resolution of removal within the time periods as provided in this section shall nullify the preliminary resolution of removal and the administrator shall, at the expiration of said time, forthwith resume duties of the office.
- (I) The salary and benefits of the Administrator shall continue to be paid for a period of thirty days after the vote effecting his/her final removal from office.

(6) Acting Town Administrator

- (A) Temporary Absence - By letter filed with the town clerk, the Town Administrator shall recommend a qualified town administrative officer or employee who, with the approval of the Board of Selectmen, shall exercise the powers and perform the duties of Town Administrator during a temporary absence. During a temporary absence the Board of Selectmen may not revoke such designation until at least ten (10) working days have elapsed, whereupon it may appoint another qualified town administrative officer or employee to serve until the Town Administrator shall return.
- (B) Vacancy - During the absence, disability or suspension or resignation of the Town Administrator, an acting Town Administrator shall be appointed by the Board of Selectmen to perform the duties of the Town Administrator. Any vacancy in the office of the Town Administrator shall be filled as soon as possible by the Board of Selectmen. The term of service of an acting Town Administrator may not exceed six (6) months, but one additional renewal may be voted by the Board of Selectmen not to exceed three (3) months. Compensation for such person shall be set by the Board of Selectmen.
- (C) Powers and Duties - The powers of a temporary or acting Town Administrator under (a) and (b) above shall be limited to matters not admitting of delay and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.

(7) Severability

(A) This by law shall be interpreted insofar as possible as consistent with state law. In the event of an inconsistency, however, state law shall control. This by-law shall be interpreted insofar as possible as consistent with existing by-laws. In the event of an inconsistency, however, this by-law shall control.

ARTICLE 13: To see if the Town will vote to transfer the sum of Two Hundred Twenty Thousand Ninety-Three (\$220,093.00) Dollars more or less received or to be received in accordance with the provisions of General Laws, Chapter 90, Section 34, as amended, for the reconstruction, construction, and/or improvement of accepted Town roads, and to authorize the Board of Selectmen to enter into any and all contracts necessary or incidental thereto, said funds to be used together with and in addition to funds that may be allowed by the state or county, and/or take any action relative thereto.

Submitted by the Highway Surveyor.

Requires Majority Vote.

ARTICLE 14: To see if the Town will vote to approve the appointment of a Town Administrator as set forth in a copy of the proposed by-law, and/or take any action relative thereto. (See Attachment A.)

Submitted by Petition.

Requires Majority Vote.

ARTICLE 15: To see if the Town will vote to amend the Town of Freetown's Zoning Map, by changing the zoning classification of Assessors Map 241, Lots 52, 53, 54, and 55, Assessors Map 242, Lots 132, 133, 134, and 135, and Assessors Map 246, Lot 56 and Assessors Map 247, Lot 6 located on Braley Road and Costa Drive from Industrial Use to General Use or take any action relative thereto. (See Map Attachment B, attached.)

Submitted by Petition.

Requires 2/3 Vote.

ARTICLE 16: To see if the Town will vote to amend the Town of Freetown Zoning Map 241, Lots 28.2 and 28.3, located on Edward G. Pina Lane from residential use to general use or take any other action relative thereto. (See Map Attachment C, attached.)

Submitted by Petition.

Requires 2/3 Vote.

ARTICLE 17: To see if the town will vote to amend Section 7 of Article XI (Zoning By-laws) by inserting the following sub-section:

- B.2 Overnight occupancy of recreational vehicles as defined herein shall be allowed at a recreational facility authorized by special permit, subject to reasonable conditions and safeguards including limits of time and use, issued by the Planning Board under Section 18 H.2 of this bylaw; or to take any action relative thereto.

Petitioner: By Petition.

Requires 2/3 Vote.

ARTICLE 18: To see if the Town will vote to amend the Town of Freetown Protective By-Laws, Article XI, Section 3A, to insert the following: Any area of a proposed lot that is not at least 30 ft. wide will not count as part of the lot's required upland. And/or take any other action relative thereto.

Submitted by the Planning Board.

Requires 2/3 Vote.

ARTICLE 19: To see if the Town will vote to amend the Town of Freetown Protective By-Laws, Article XI, Section 3A, to insert the following: A newly created lot shall have a one hundred foot diameter circle that touches the required frontage. And/or take any other action relative thereto.

Submitted by the Planning Board.

Requires 2/3 Vote.

ARTICLE 20: To see if the Town will vote to amend the Town of Freetown Protective By-laws, Article XI, by adding Section 22, the Town of Freetown **Site Plan Review By-law**. This by-law is intended to promote functional and aesthetic design, construction and maintenance of developments to minimize any harmful effects on surrounding areas and/or take any action relative thereto.

Submitted by the Planning Board.

Requires 2/3 Vote.

Town of Freetown

Site Plan Review By-Law

Section 1. Purpose:

The purpose of this section is to further protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Freetown by providing the means for a detailed review of the site design and layout of certain developments which may have a substantial impact upon the character of the Town and upon traffic, utilities and services therein.

The provisions of this section are designed to assure that all development activities regulated by this section will be carried out so as to provide for and maintain:

- 1) Protection of neighboring properties against harmful effects of uses on the development site;
- 2) Convenient and safe access for fire-fighting and all emergency rescue vehicles within the development site and in relation to adjacent streets;
- 3) Convenience and safety of vehicular and pedestrian movement within the development site and in relation to adjacent streets, properties or improvements;
- 4) Satisfactory methods for drainage of surface water within, to, and from the development site;
- 5) Satisfactory methods for storage, handling and disposal of sewage, refuse and other wastes resulting from the normal operations of the establishment(s) on the development site;
- 6) Convenience and safety of off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment(s) on the development site; and
- 7) Harmonious relationship to the terrain and to existing buildings in the vicinity of the development site.

Section 2. Projects Requiring Approval:

- a.) Any business which is proposing a drive-thru or any expansion of a structure on a parcel which contains an existing drive-thru.
- b.) Any proposed structure containing more than 5,000 s.f. of floor area to be used for business, commercial or industrial use.
- c.) Any expansion of an existing commercial, business or industrial building shall include floor space increase of 5,000 square feet or more within a 10- year period.

Section 3. Powers and Administrative Procedures:

The Planning Board is hereby designated the Site Plan Review Authority (SPRA) for Site Plan Approval. The SPRA shall adopt rules and regulations relative to the information and features to be provided or shown on all plans requiring a Site Plan Approval and file a copy with the Town Clerk.

All plans and accompanying documentation should first be submitted to the Zoning Enforcement Officer for a determination as to whether or not this by-law is applicable. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPRA may issue an approval.

Any project subject to this by-law is required to have an approved Site Plan in order to be issued a building permit.

ARTICLE 21: To see if the Town will vote to transfer a sum of money from the Overlay Reserve Fund and/or other available funds to be deposited in the current Reserve Fund to supplement monies appropriated for the Fiscal Year 2005, and/or take any action relative thereto.

Submitted by the Board of Selectmen and
Finance Committee.

Requires Majority Vote.

ARTICLE 22: To see if the Town will vote to raise, appropriate, and/or transfer from available funds a sum of money to be deposited into the Stabilization Fund, and/or take any action relative thereto.

Submitted by the Board of Selectmen
and Finance Committee.

Requires 2/3 Vote.

And you are hereby directed to serve this Warrant by posting attested copies thereof at the following places: Assonet Post Office, East Freetown Post Office, the stores of Cortes Country Stores, Inc. and Quick Pic in East Freetown, Junior's Convenience Store and Assonet's Village Pizza, Inc. in Assonet, and the Freetown Communications Center.

Hereof fail not and make return of the original Warrant with your doings thereon immediately after making service thereof to the Town Clerk of the Town of Freetown, Massachusetts.

Given under our hands and seal of the Town of Freetown, this Twentieth day of October, in the year Two Thousand Four.

Lawrence N. Ashley
Chairman

John S. Ashley

John Laronda, Jr.

ATTACHMENT A

**A BY-LAW PROVIDING FOR A TOWN ADMINISTRATOR IN THE
TOWN OF FREETOWN**

SECTION 1.00: Establishment of the Office of Town Administrator.

This by-law provides for the establishment of the position of town administrator and shall be effective upon the appointment of a town administrator. The board of selectmen shall, on or before January 1, 2006, appoint a qualified person as town administrator who shall serve under the direction of the board of selectmen.

SECTION 2.00. Selectmen.

- (1) The board of selectmen, unless specifically limited by statute, shall:
 - (a) Serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions, and employees of the town.
 - (b) Have the power to enact rules and regulations to implement policies and to issue interpretations.
 - (c) Exercise, through the town administrator, general supervision over all matters affecting the interests or welfare of the town.
 - (d) Have the responsibility and authority for licenses and other quasi-judicial functions as provided by statute and the Town of Freetown by-laws.
 - (e) Be responsible for the preparation of all town meeting warrants.
 - (f) Have the authority to make investigations and may authorize the town administrator or other agents to investigate the affairs of the town and conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose the board of selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk, and a report summarizing such investigation shall be printed in the next annual town report.
 - (g) Review the annual proposed budget submitted by the town administrator and make recommendations with respect thereto as they deem advisable. The town administrator shall present the budget, incorporating the recommendations of the selectmen, to the finance committee.

3.00 Town Administrator

(1) Appointment

The town administrator shall be appointed by the board of selectmen for a term not to exceed 3 years, as the board may determine, and may be appointed for successive terms of office.

(2) Qualifications

(a) The town administrator shall be a person who possesses a Master's in Public Administration and who has at least five years experience as a town manager or administrator or as an assistant town manager or administrator. The town administrator shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of his employment by the town. The town administrator shall hold no elective office in the town during his tenure as town administrator, but the board of selectmen may appoint the town administrator to any non-elective office or position consistent with the responsibilities of the town administrator. Before entering upon his duties, the town administrator shall be sworn to the faithful and impartial performance thereof by the town clerk.

(b) The board of selectmen may from time to time establish additional qualifications for the office of town administrator. To the extent permitted by law, the terms of the town administrator's employment may be subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters, excluding tenure, as are customarily included in an employment contract.

(c) Anyone who has served in an elected position in the town of Freetown within one year shall be disqualified from appointment.

(3) Removal from Office

(a) The board of selectmen may remove the town administrator at any time by a majority vote for cause. Within seven days thereafter, the town administrator may appeal the decision of said board by filing with the board a written request for a public hearing. If such a request is filed, the board of selectmen shall conduct a public hearing within fourteen days, excluding weekends and holidays, and shall act on the appeal within seven days, excluding weekends and holidays, thereafter.

(4) Compensation

The board of selectmen shall set the compensation for the town administrator, not to exceed an amount appropriated by the town meeting.

(5) Vacancy

The board of selectmen shall designate a qualified person to serve as acting town administrator and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by administrator's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred and eighty

3.00 Financial Duties

(1) Unless specifically limited by statute, the town administrator shall:

- (a) Be the chief administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs placed in the administrator's charge by this by-law, the board of selectmen, by-law, or vote of town meeting and the implementation of town policies placed in the administrator's charge by the board of selectmen.
- (b) Be responsible for the design and preparation of the municipal budget, filing grant applications, and controlling budget expenditures, including approval of the warrants for the payment of town funds prepared by the town accountant. Without limiting the generality of the foregoing the town administrator shall have the following specific budgetary powers:
 - (i) The Town Administrator shall submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school department. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current, and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose, and position, together with proposed financing methods; and the proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law, establish additional financial information and reports to be provided by the town administrator.
 - (ii) The town administrator shall report on the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount.
 - (iii) The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the board of selectmen, and the budget presented by the town administrator to the finance committee, as required by subsection G of section 2.00, shall be specified by by-law.
 - (iv) To assist the town administrator in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town administrator, in writing, a detailed estimate of the appropriations required and available funds.
 - (v) The town administrator shall submit annually to the board of selectmen and the finance committee a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired.

- (vi) The town administrator shall act as a central purchasing agent for all town departments and activities, except those under the jurisdiction of the school committee and board of library trustees, unless requested by either agency.

4.0 Other Duties

(1) Unless specifically limited by statute, the town administrator shall:

- (a) Be responsible for coordination of operational and strategic planning for the town.
- (b) Supervise all town departments under the jurisdiction of the selectmen and direct the operations of the town.
- (c) Subject to any applicable provisions of the General Law relating thereto, may assume, temporarily, the duties of any office which the administrator is authorized to fill by appointment.
- (d) Have the power to appoint and remove other employees as authorized by General Law and by-law and for whom appointment is not otherwise provided.
- (e) Be responsible for administration of the personnel plan including personnel evaluation policies, practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal opportunity law compliance functions of the town.
- (f) Keep full and complete records of the office and annually submit to the selectmen, unless requested to do so more frequently, a full written report of the operations of the office of town administrator. The town administrator may also prepare reports to the boards and committees and for town meeting.
- (g) Advise the selectmen of all matters requiring action by them or the town.
- (h) Attend all meetings of the board of selectmen and all town meetings and shall be permitted to speak when recognized by the moderator.
- (i) Be responsible for the negotiation of all contracts, which are subject to execution by the board of selectmen.
- (j) Administer, either directly or through a person or persons appointed by him, in accordance with this by-law, all provisions of general and special laws applicable to said town, all by-laws, and all regulations established by the board of selectmen.
- (k) Oversee the activities of the town counsel under the direction of the board of selectmen.
- (l) Receive and address citizens' complaints and problems.
- (m) Be responsible for the management of all town insurance programs.

- (n) Represent the town at local, state and regional meetings and undertake public relations activities under the direction of the board of selectmen.
- (o) Perform such other duties consistent with the office, as may be required of the administrator by by-law or by vote of the board of selectmen or town meeting.
- (p) Have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town administrator. The town administrator may, without notice, cause the affairs of any division or department under the administrator's supervision of the job-related conduct of any officer or employee thereof to be examined.

5.0 Severability

This by-law shall be interpreted insofar as possible as consistent with state law. In the event of an inconsistency, however, state law shall control. This by-law shall be interpreted insofar as possible as consistent with existing by-laws. In the event of an inconsistency, however, this by-law shall control.